

'08 MJ2079

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Martin CASTRO-Alcantar

Defendant.

Magistrate Case No. _____

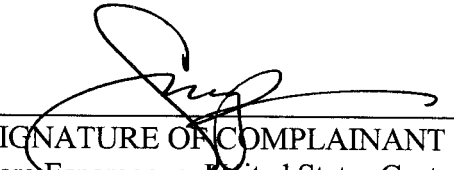
COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section
1324(a)(2)(B)(iii)-
Bringing in Illegal Alien
Without Presentation

The undersigned complainant being duly sworn states:

On or about **July 8, 2008**, at the San Ysidro Port of Entry, within the Southern District of California, defendant **Martin CASTRO-Alcantar**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, **Rocio ARROYO-Sotelo**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs
and Border Protection Enforcement Officer

Sworn to before me and subscribed in my presence, this 9th day of July 2008.


UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

The complainant states that **Rocio ARROYO-Sotelo** is a citizen of a country other than the United States; that said alien has admitted she is deportable; that her testimony is material; that it is impracticable to secure her attendance at trial by subpoena; and that she is a material witness in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.


On July 8, 2008, at approximately 0750 hours, **Martin CASTRO-Alcantar (Defendant)** made application for admission into the United States from Mexico via the vehicle primary lanes at the San Ysidro Port of Entry. Defendant was the driver and sole visible occupant of a gray 1991 Mazda 323. A United States Customs and Border Protection (CBP) Canine Enforcement officer was performing pre-primary roving operations when his Human/Narcotics Detector Dog (H/NDD) alerted to the vehicle. A CBP Officer assisting the Canine Officer approached the vehicle and initiated an inspection. Defendant told the CBP Officer he has owned the vehicle for one year and was not bringing anything from Mexico. During the inspection, the CBP Canine officer discovered a person concealed in a non-factory fuel tank compartment located under the rear seat. The vehicle and its occupants were subsequently escorted to secondary for further inspection.

In secondary, CBP officers removed the rear seat and extracted one female from the non-factory compartment. The female was determined to be a citizen of Mexico without legal documents to enter the United States and is now identified as **Rocio ARROYO-Sotelo (Material Witness)**.

An inspection of the vehicle revealed the factory fuel tank was hollowed out and lined with gray fabric. A non-factory alternate fuel source containing about one to two gallons capacity was found behind the rear seat.

During a videotaped proceeding, Defendant was advised of his Miranda rights. Defendant acknowledged his rights and elected to answer questions without an attorney present. Defendant admitted he was to receive the vehicle and \$1,500.00 U.S. dollars as compensation for smuggling the undocumented alien. Defendant admitted he was to transport the undocumented alien to a Burger King restaurant located in San Ysidro, California.

A videotaped interview was conducted with Material Witness. Material Witness declared she is a citizen of Mexico without legal rights or entitlements to enter the United States. Material Witness stated her husband made the smuggling arrangements with an unidentified smuggler. Material Witness stated her husband was to pay an undisclosed amount to have her smuggled into the United States. Material Witness stated she intended to travel to Solana Beach, California to seek employment and reunite with her husband.


SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs
and Border Protection Enforcement Officer


UNITED STATES MAGISTRATE JUDGE